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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,267	01/22/2001	Raphael Angeline Alfons Ceulemans	CM1882	5069

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EXAMINER

DELCOTTO, GREGORY R

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,267

Applicant(s)

CEULEMANS ET AL.

Examiner

Gregory R. Del Cotto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. Claims 1-9, 12, and 13 are pending. Applicant's arguments and amendments filed 1/2/03 have been entered.

Objections/Rejections Withdrawn

The following objections/rejections as set forth in Paper #5 have been entered:

The objection to the specification as failing to contain an abstract has been withdrawn.

The rejection of claims 10 and 11 under 35 USC 112, first paragraph, has been withdrawn.

The rejection of claims 1, 2, and 4-12 under 35 U.S.C. 102(b) as being anticipated by GB 2,303,146 has been withdrawn.

The rejection of claim 3 under 35 U.S.C. 103(a) as being unpatentable over GB 2,303,146 has been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "polymer" in line 1. There is insufficient antecedent basis for this limitation in the claim. Note that, polyamino-functional polymer has been

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canceled from claim 1. for purposes of examination, claim 7 has been treated as though it is dependent upon claim 13.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/12295.

'295 teaches a composition comprising a dye fixing agent and a specific amino-functional polymer, said composition providing an improved color care on fabrics upon laundry treatments. See Abstract. Suitable dye fixing agents are cationic and are based on various quaternized or otherwise cationically charged organic nitrogen compounds. These agents include Sandofix TPS, Rewin SRF, Rewin SRF_O, Rewin DWR, Tinofix FRD, etc., and they may be used in the compositions in amounts from

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0.001% to 10% by weight. See page 5, lines 1-15. The amino functional polymers have the same general formula as recited by the instant claims. See page 6, line 10 to page 7, line 30. Also, single long chain alkyl cationic surfactants may be used which have the same general formula as recited by instant claim 2. See page 31, lines 10-35.

'295 does not specifically teach a composition containing a dye fixative agent, cationic surfactant, and the other requisite components of the composition in the specific proportions as recited by the instant claims.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a laundry detergent composition containing a dye fixative agent, cationic surfactant, and the other requisite components of the composition in the specific proportions as recited by the instant claims, with a reasonable expectation of success and similar results with respect to other disclosed components, because the broad teachings of '295 suggest a laundry composition containing a dye fixative agent, cationic surfactant, and the other requisite components of the composition in the specific proportions as recited by the instant claims.

Claims 1, 2, 4-6, 9, and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by WO 98/17758.

'758 teaches detergent compositions containing a cationic dye-fixing agent and one or more cationic surfactants having the same general formula as recited by instant claim 2. See Abstract. Suitable dye fixing agents are cationic species and include aliphatic polyamines such as Indosol e-50 and Croscolor NOFF, a dimethylallyl ammonium chloride polymer of molecular weight in the range 2000 to 20,000. See

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page 3, lines 18-30. The amount of dye fixing agent is generally from 0.01% to 50% by weight. See page 4, lines 1-10. Specifically, '758 teaches a high density granular detergent composition containing 0.8% of a cationic surfactant having the same general formula as instant claim 2, 0.5% DMDAA, etc. Additionally, '758 teaches a composition containing 1.4% cationic surfactant, 0.5% DMDAA, etc. See page 47, lines 1-30. Accordingly, the broad teachings of '758 anticipate the material limitations of the instant claims.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/17758.

'758 is relied upon as set forth above. However, '758 does not specifically teach a composition containing a cellulase reactive dye fixing agent in addition to the other requisite components of the composition as recited by instant claim 8.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a composition containing a cellulase reactive dye fixing agent in addition to the other requisite components of the composition as recited by instant claim 8, with a reasonable expectation of success, because the broad teachings of '758 suggest a composition containing a cellulase reactive dye fixing agent in addition to the other requisite components of the composition as recited by instant claim 8.

Response to Arguments

Note that, Applicant's arguments are moot in view of the new ground(s) of rejection which was necessitated by Applicant's amendment.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (703) 308-2519. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

GRD
March 2, 2003

GREGORY DELCOTTO
PRIMARY EXAMINER
